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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995.  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/401,167
Filing Date	July 16, 1999
First Named Inventor	Lee
Group Art Unit	2859
Examiner Name	Verbitsky, G.
Attorney Docket Number	929-2

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE Practice.

1. **Submission required under 37 C.F.R. § 1.114.**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed c  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

iii. ☐ Other

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **08-2461**

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other

b. ☒ Check in the amount of \$ **740.00** enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)

Steven T. Zuschlag, Esq.

Registration No. (Attorney / Agent)

43,309

Signature

*Steven T. Zuschlag*

Date

4/26/02

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Date

4/26/02

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# 16/D  
V. Propp  
5/17/02

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Lee	Examiner:	Verbitsky,
Serial No.:	09/401,167	Group Art Unit:	2859
Filed:	July 16, 1999	Docket:	929-2
For:	ELECTRONIC FEVER THERMOMETER	Dated:	April 26, 2002

Commissioner for Patents  
Washington, DC 20231  
**BOX AF**

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20231 on April 26, 2002

Signature: Kathleen A. G.

**AMENDMENT**

Sir:

In response to the Final Office Action dated August 29, 2001, please amend the  
above-identified application in accordance with 37 C.F.R. §1.121 as follows:

**IN THE CLAIMS:**

Please amend Claims 1, 3, 9 and 17 as follows:

1. (Twice Amended) An electronic fever thermometer including a housing  
made from a transparent material, the electronic fever thermometer comprising:  
a temperature sensor; and  
a display element to display the temperature measured by the temperature  
sensor, the housing having an outer surface, an inner surface and at least one substantially  
transparent viewing area surface, at least a substantial portion of at least one of the outer and  
inner surfaces being rougher than the viewing area surface such that light passing through the  
rougher surface is diffusely scattered whereby the rougher surface is substantially less

D1

Sub  
E1